

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

| | | |
|-------------------------------|---|-------------------|
| ERNEST MEDINA, |) | 8:14CV417 |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | MEMORANDUM |
| |) | AND ORDER |
| PEOPLE OF THE STATE OF |) | |
| NEBRASKA, The, |) | |
| |) | |
| Respondent. |) | |

This matter is before the court for preliminary review of Ernest Medina’s (“Medina” or “Petitioner”) Petition for Writ of Habeas Corpus. Medina, a pretrial detainee, is incarcerated at the Lancaster County Jail awaiting trial on criminal charges. Because Medina is a pretrial detainee, habeas corpus jurisdiction arises pursuant to 28 U.S.C. § 2241(c)(3). (“The writ of habeas corpus shall not be extended to a prisoner unless . . . [h]e is in custody in violation of the Constitution or laws or treaties of the United States.”)

A writ of habeas corpus, if granted, must be directed “to the person having custody of the person detained.” 28 U.S.C. § 2243. Here, Medina has named the people of the State of Nebraska as respondents in this matter. However, they are not the proper respondent in this case. In order for this matter to proceed, Medina must file an amended petition for writ of habeas corpus naming the current director of his place of confinement as the respondent. In the alternative, Medina may file a motion to substitute party in which he asks the court to substitute the current director of his present place of confinement as the respondent.

Accordingly,

IT IS ORDERED:

1. On the court's own motion, Medina has 30 days to file an amended petition for writ of habeas corpus naming the current director of his place of confinement as the respondent. In the alternative, Medina may file a motion to substitute party in which he asks the court to substitute the current director at his present place of confinement as the respondent.
2. Failure to comply as directed may result in dismissal of this matter without further notice.
3. The clerk's office is directed to set the following pro se case management deadline: May 8, 2015: Deadline for the petitioner to name proper respondent.

DATED this 6th day of April, 2015.

BY THE COURT:

s/Laurie Smith Camp
Chief United States District Judge